

Office Action Summary	Application No. 10/576,378	Applicant(s) ARAKI ET AL.	
	Examiner Tianjie Chen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20080925</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US 6,392,980) in view of Furukawa et al (US 6,243,346).

Claim 3, Sato shows a disk apparatus, which performs recording and/or reproducing on a disk-shaped recording medium, including: a unit Figs. 2-4 includes a clamping member including a clamper22 (Figs. 2A and 4A) which holds the disk-shaped recording medium 4, and a disk recording/reproducing-driving member including a turn table 21, and a part of the clamper and a part of the turn table are fitted in each other (Fig. 2B), when the disk-shaped recording medium is held between the clamper and the turn table,

wherein a claw (Figs. 2A and 2B) of a clamper-holding part is engaged with a hook portion of the clamper (Fig. 4A) near the internal position of the center hole of the disk-shaped recording medium held between the clamper and the turn table, and wherein the part of the clamper is fitted in an annular groove 4a (Fig. 4A) formed in a shaft portion of the turn table at its engaging position.

Furukawa shows a prior art in Fig. 2D, which has a stationary frame 12 to be a stable portion, and a floating unit 14 which is disposed in the stationary frame through elastic component 40a and 40b.

Furukawa teaches that this configuration is a vibration absorbing part (Column 5, lines 6-7) and it is also a commonly used notorious method of absorbing vibration. One of ordinary skill in the art would have been motivated to replace the unit 14 with Sato's device for absorbing vibration.

In such constructed device, the Sato's unit becomes a floating unit.

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Claim 5, the combination of Sato et al and Furukawa et al shows a disk apparatus including:

a stationary frame to be a stable portion, and a floating unit which is disposed in the stationary frame through elastic component and which performs recording and/or reproducing on a disk-shaped recording medium, wherein the floating unit includes a clamping member including a clamper which holds the disk-shaped recording medium, and a disk recording/reproducing driving member including a turn table, and

a part of the clamper and a part of the turn table are fitted in each other, when the disk-shaped recording medium is held between the clamper and the turn table,

wherein a claw of a clamper-holding part is engaged with a hook of the clamper near the internal position of the center hole of the disk-shaped recording medium held between the clamper and the turn table, and wherein the part of the clamper is fitted in an annular groove formed in a shaft portion of the turn table at its engaging position,

wherein the shaft portion protrudes from the turn table for fitting in the positioning hole of the disk-shaped recording medium,

the annular groove of the shaft portion is formed therein at a position which corresponds to the engaging position of the claw of the clamper-holding part with the hook of the clamper; and wherein the portion of the clamper is fitted in the annular groove when the disk-shaped recording medium is held between the clamp and the turn table.

Claim 6, Sato et al shows that the shaft portion protrudes from the turn table for fitting in the positioning hole of the disk-shaped recording medium.

Allowable Subject Matter

2. Claim 7 is allowed.

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Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 4 and 7, as the closest reference of record, the combination of Sato et al (US 6,392,980) and Furukawa et al (US 6,243,346) discloses a disk apparatus comprising: a stationary frame to be a stable portion, and a floating unit which is disposed in the stationary frame through elastic component and which performs recording and/or reproducing on a disk-shaped recording medium, wherein the floating unit includes a clamping member for holding the disk-shaped recording medium, and a disk recording/reproducing-driving member including a turn table, wherein the clamping member includes a clamper and a clamper-holding part, wherein the clamper includes a hook portion formed at the center portion of the clamper, and a projection which is formed on the center axis of rotation of the disk-shaped recording medium and which comes into contact with the clamper- holding part when the disk-shaped recording medium is held between the clamper and the turn table, wherein the clamper-holding part includes a claw portion for engaging with the hook portion near the internal position of the center hole of the disk-shaped recording medium held between the clamper and the turn table, wherein the hook portion of the clamper is fitted in an annular groove formed in a shaft portion of the turn table at its engaging position when the disk-shaped recording medium is held between the clamper and the turn table, wherein the shaft portion protrudes from the turn table for fitting in the positioning hole of the disk-shaped recording medium, the annular groove of the shaft portion is formed therein at a position which corresponds to the engaging position of the claw of the clamper-holding part with the hook of the clamper; **but fails to show** that the hook portion including a plurality of hooks formed at regular intervals on the same circumference.

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- Applicant asserts; “an object of the present invention is to provide a disk apparatus including an inexpensive and thin clamp mechanism which is attained by reducing a space required for holding a disk between the turn table and the clamper as much as possible while ensuring a space where the disk inserted can be reliably carried within the disk apparatus.” (Specification, p. 4).

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/
Primary Examiner, Art Unit 2627